

REMARKS

FORMAL MATTERS:

Claims 22-25 remain pending after entry of the amendments set forth herein. Claims 1-21 were previously cancelled

Claims 22 and 24 are amended. Support for these amendments is found throughout the specification and particularly on page 23, line 1 and on page 24, lines 16-17, respectively. Accordingly, no new matter has been added by the amendments.

REJECTIONS UNDER §112, ¶2

Claims 22 and 23 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for omitting the step of removing the second release liner prior to laminating a hydrophilic polyester film to the pattern. While Applicant does not necessarily agree with the position that the lack of this step makes the claim indefinite, claim 22 has been amended to include this step. As claims 22 and 23 were indicated be allowable if amended to overcome this rejection, Applicant respectfully requests indication of such allowance.

REJECTIONS UNDER §102

Claims 24 and 25 were rejected under 35 U.S.C. §10(b) as being anticipated by Braynin et al. (USPN 5,242,606). Claim 24 has been amended to clarify that the first layer is die cut. Braynin et al. does not disclose, suggest or teach cutting or die cutting any of their layers to form their device. Accordingly, claims 24 and 25 are patentable in view of Brayin et al. and an indication of allowance of these claims is respectfully requested.

CONCLUSION

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number LIFE-072DIV.

Respectfully submitted,
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Date: 9/24/04

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